REMARKS

Claims 1-36 are all the claims pending in the application.

Claims 1, 2, 17-30 and 33-36 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Dias et al. ("Dias") and Isobe et al. ("Isobe"). Applicant respectfully traverses the rejection.

Claim 1 recites "measuring a plurality of execution times to complete the database command; recording the measured execution times, thereby creating a time historical record; and using the time historical record to estimate the time required to execute the database command."

In the Office Action, Dias is relied upon for measuring a plurality of execution times to complete a database command. The Examiner refers to the subtasks disclosed in Dias at col. 3, lines 26-27 and col. 8, lines 47-53. Dias describes a database "join" operation that is broken down into "subtasks" that are allocated to different processors. *See* Dias col. 2, lines 59-67. Dias discloses at col. 3, lines 26-27, estimating the time it would take for a single processor to perform each of the subtasks in order to balance operations among several processors. *Id.*

The Examiner admits that Dias does not teach "recording measured execution times, thereby creating a time historical record" or "using the time historical record to estimate the time required to execute the database command." *See* numbered paragraph 4 of the final Office Action. Isobe is relied upon for disclosing those limitations of claim 1 missing from Dias. Specifically, the Examiner asserts that the log shown in Fig. 15A of Isobe, and described at col. 20, lines 59-62, discloses those limitations. *Id.*

Isobe is directed to "a remote control device for remote-controlling a plurality of appliances such as TV sets, video sets and the like ..." (Isobe at col. 1, lines 8-10) that requires a registration process to record a series of remote control commands in a database. *Id.* at col. 2,

lines 58-67. Fig. 15A of Isobe shows a log of database commands (e.g., A1A2, A3) and the times and dates those commands were executed. *See id.* at col. 20, lines 43-50. Isobe contains a command estimating unit that receives a command string from a remote controller and, using the database, estimates a command series based on the received command string. *Id.* at col. 3, lines 1-10. For example, when the command "A1" is issued from a controller, the database log is accessed to determine the command series most likely to issue. As described at col. 24, lines 1-17, when the command "A1" is issued, the following command series are retrieved from the database: "A1B2B5", "A1A3A4", "A1A3A4A6", etc. The probability of occurrence of each of those command series is determined based on the frequency of occurrence, certain external factors, and the content of the command. *Id.* at col. 24, lines 18-42. The command series with the highest probability of occurrence is then issued.

According to the Office Action it would have been obvious to combine these portions of Dias and Isobe "to issue a command according to the issue schedule based on the database," citing Isobe col. 5, lines 16-18.

It is respectfully submitted that even if Isobe were modified to measure a plurality of execution times, as allegedly disclosed by Dias, all the limitations of claim 1 would not be met. Even if the log of Isobe, shown in Fig. 15A, were modified to be generated based on measurements of a plurality of command execution time, the combination would not use the log "to estimate the time required to execute the database command," as recited in claim 1. Rather, Isobe would still use the log in Fig. 15A to estimate which command is the most likely command to issue based on a received command string, and it would not estimate the time required to

execute a command. Accordingly, it is respectfully submitted that the asserted Dias/Isobe combination does not render claim 1 unpatentable.

Further, Isobe does not teach or suggest a need to estimate the time it would take to execute the remote controller commands. Similarly, there is no teaching or suggestion in the prior art to modify Dias to use the command issuing schedule of Isobe. Accordingly, it is respectfully submitted that it would not have been obvious to combine the teachings of Dias and Isobe as the Examiner asserts.

Independent claim 28 recites "a utility scheduling module configured to determine whether to execute the database command based on an analysis of the database command measurements." It is respectfully submitted that neither Dias nor Isobe, either alone or in combination, discloses this limitation of claim 28.

Independent claim 33 recites "means for analyzing the time historical record to estimate the time required to execute the database utility command." It is respectfully submitted that neither Dias nor Isobe, either alone or in combination, discloses this limitation of claim 33.

Independent claim 35 recites "program instructions for analyzing the time historical record to estimate the time required to execute the database command." It is respectfully submitted that neither Dias nor Isobe, either alone or in combination, discloses this limitation of claim 35.

Claims 3-9 and 12-14 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Dias and Isobe in view of Sharing. Applicant respectfully traverses the rejection since these claims depend from claim 1 and Sharing does not fulfill the deficiencies of Dias and Isobe.

Claims 32 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Dias, Isobe and Sharing, in view of Lam et al. ("Lam"). Applicant respectfully traverses the rejection for the reasons discussed above.

Each of the remaining claims depends from one of the independent claims discussed above, and hence, is patentable for at least the same reasons.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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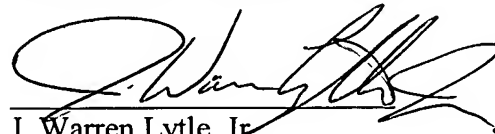
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23373
CUSTOMER NUMBER

Date: June 13, 2005